

HOUSE BILL 896
By Fitzhugh

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 15, Part 4, relative to creating the criminal offense of parents failing to supervise their children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 4, is amended by adding the following section:

Section 39-15-4___. (a) A person commits the offense of failing to supervise a child if that person is the parent, legal guardian or any other person lawfully charged with the care or custody of a child under sixteen (16) years of age and the child:

- (1) commits any act that brings the child within the jurisdiction of the juvenile court;
- (2) violates a curfew law or ordinance of any political subdivision of this state;
- (3) fails to attend school on a regular basis; or
- (4) regularly enters premises known by the parent or legal custodian to be a place:
 - (i) where sexually indecent activities or prostitution is practiced;
 - (ii) where illegal drugs are used or sold;
 - (iii) where underage drinking or gambling occurs; or

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(iv) where illegal firearms, weapons or explosives are stored or possessed by any persons present.

(b) No parent or legal guardian commits a violation of this section if, upon learning that the minor has undertaken acts as described in this section, the parent or legal guardian promptly reports the act and seeks the assistance of local or state law enforcement officials, school officials, social services officials or other appropriate authorities in either leading the child to modify his or her behavior, or by referring the child to the appropriate treatment facilities.

(c) In the prosecution of a person for failing to supervise a child under this section, it is an affirmative defense that the person:

(1) is the victim of the act that brings the child within the jurisdiction of the juvenile court; or

(2) took reasonable steps to control the conduct of the child at the time the person is alleged to have failed to supervise the child.

(d) A person commits the offense of flagrant failure to supervise a child who having been convicted one (1) or more times of failure to supervise a child, is convicted of a subsequent offense under this section.

(e)(1) Failure to supervise a child under subsection (a) is a Class C misdemeanor.

(2) Flagrant failure to supervise a child under subsection (d) is a Class A misdemeanor.

SECTION 2. This act shall take effect July 1, 1997, the public welfare requiring it.